

S.B.CRIMINAL MISC. PETITION NO.556/2007
(Hem Ra & Ors. V/s State of Raj. & Anr.)

Date of order : : 19.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.B.K.Vyas, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.

Issue notice. Mr.Upadhyay accepts notice on behalf of
the State.

Heard the learned counsel for the parties.

The main contention of the learned counsel for the petitioners is that the Court at Gharsana has no jurisdiction to try the case as no cause of action has arisen at Gharsana. It is further contended that complaint itself disclosed that the marriage took place in Rajaldeshar. The allegation of demand of dowry and cruelty is also said to have been taken place at Rajaldeshar. In this case no part of the alleged cause of action has ever occurred in the area of Gharsana Court. Therefore, it is prayed that report filed by the police be quashed.

Learned Public Prosecutor states that charge-sheet has been filed and cognizance has been taken in this case. The objection of jurisdiction could have been raised before the learned Magistrate under chapter (xiii) of the Code of Criminal Procedure whether the court has jurisdiction or not..

I have considered the arguments advanced by learned counsel for the petitioner and also gone through the order impugned. From a bare perusal of the relevant documents, it appears that the question of jurisdiction has not been raised in the trial court. The petitioners are free to raise this question regarding Section 177 Cr.P.C. before the trial court. Learned trial court is directed to decide the question, if any raised regarding the jurisdiction of the trial court, before proceeding further.

With the aforesaid observations and directions, this misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.